

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
CORDIUS TRUST,

Plaintiff,

-against-

KUMMERFELS ASSOCIATES, INC. and
ELIZABETH KUMMERFELD,
Defendants.
-----X

**99 CIVIL 3200 (DLC)(RLE)
CERTIFICATION OF JUDGMENT
FOR REGISTRATION IN
ANOTHER DISTRICT
JUDGMENT #04,0832**

04^{MBD} 10267

I, J. Michael McMahon, Clerk of this United States District Court certify that the attached is a true and correct copy of the judgment entered in this action on July 6, 2004 as it appears in the records of this court, and that * an appeal has been filed, and Judge Hellerstein, United States District Judge, Part I, having issued his Memo Endorsed Order granting the motion for leave to register this judgment in the United States District Court for the District of Massachusetts.

IN TESTIMONY WHEREOF, I sign my name and affix the seal of this Court on
August 18, 2004.

J. Michael McMahon
Clerk

2 ✓
(By) Deputy Clerk

07/30/04 PRI 13:32 FAX 212 805 7907

002

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CORDIUS TRUST,

Plaintiff,

- against -

KUMMERFELD ASSOCIATES, INC. and
ELIZABETH KUMMERFELD,

Defendants.

CORDIUS TRUST,

Petitioner,

- against -

DONALD D. KUMMERFELD,

Respondent.

Case No. 99 Civ. 3200 (DLC)(RLE)

NOTICE OF MOTION

10267
04 MBD 10268

REC 87

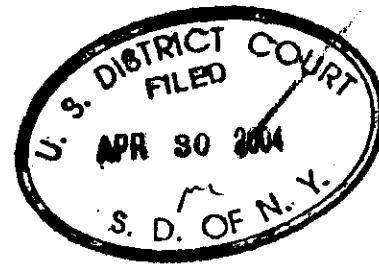
MEMO ENCLOSED

PLEASE TAKE NOTICE, that upon the annexed affirmation of Ross Katz, sworn to on July 16, 2004 and upon the exhibits annexed thereto and upon all other papers and prior proceedings heretofore had herein, the plaintiff will move this United States Courthouse, located at 500 Pearl Street, New York, New York, on a date and time determined by the Court, for leave to register the judgments docketed April 12, 2000 and May 3, 2004 in this jurisdiction with the United States District Court for the District of Massachusetts pursuant to 28 U.S.C. § 1963 and for such other and further relief as this Court deems just, proper and equitable.

Dated: New York, New York
July 16, 2004

The motion is granted.
7-30-04
John K. Hellerstein
Paul J. [Signature]

Doc #77



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CORDIUS TRUST,

Plaintiff,

- against -

KUMMERFELD ASSOCIATES, INC. and
ELIZABETH KUMMERFELD,

Defendants.

CORDIUS TRUST,

Petitioner,

- against -

DONALD D. KUMMERFELD,

Respondent.

X

Case No. 99 Civ. 3200 (DLC)

JUDGMENT

#04,0832

04 MBD 1 0267

X

This action having come on for trial between the plaintiff, Cordius Trust, and the defendants, Kummerfeld Associates, Inc. and Elizabeth Kummerfeld, before the Court, The Honorable Denise L. Cote, United States District Judge presiding, the issues having been duly tried, and the Court having rendered its decision and entered judgment in favor of the plaintiff and against the defendants in the amount of \$1,418,000.00 plus pre-judgment interest of \$111,011.87 and post-judgment interest at the statutory rate of 6.87% per annum, plus attorneys fees of \$72,840.73;

The defendants having failed to satisfy any portion of said judgment; and

MICROFILM
-9 00 AM
MAY - 4 2004

The plaintiff Cordius Trust thereafter moved pursuant to Federal Rule of Civil Procedure 69 for the issuance of a writ of execution and turnover order piercing the corporate veil of Kummerfeld Associates, Inc. in order to render respondent Donald Kummerfeld's assets amenable to attachment, and that motion having been referred to United States Magistrate Judge Ronald L. Ellis and Judge Ellis having duly considered the motion, Judge Ellis thereafter issued a Report and Recommendation to which the respondent Donald D. Kummerfeld objected and

Upon the objection of the respondent Donald D. Kummerfeld, the Court, The Honorable Denise L. Cote, United States District Judge presiding, did consider the motion of Cordius Trust *de novo*, upon the submissions of the parties without oral argument, and the Court having rendered its decision granting the writ of execution and turnover order

IT IS ORDERED AND ADJUDGED that plaintiff Cordius Trust recover from Donald Kummerfeld damages in the amount of \$1,418,000.00 plus pre-judgment interest of \$135,486.74 and post-judgment interest at the statutory rate of 6.87% per annum, which post-judgment interest totals \$429,081.44 through April 10, 2004 and continues to accrue at the statutory rate, plus attorneys fees and costs in the amount of \$72,840.73.

Dated at New York, New York, this 30th day of April, 2004

Denise L. Cote
The Honorable Denise L. Cote
United States District Judge

THIS DOCUMENT WAS ENTERED
ON THE DOCKET ON 5/8/04

A CERTIFIED COPY
J. MICHAEL McMAHON

BY

Jessica Rose
DEPUTY CLERK